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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,105	12/02/2003	Chung-I Chang	BP3033-Y20-P2	2781

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SALLY CHANG
7F, NO. 3, ALLEY 32, SEC. 6 CHUNG-HSIAO EAST RD.
TAIPEI, TAIWAN, R.O.C. 115
TAIPEI, 115
TAIWAN

EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,105	Applicant(s) CHANG ET AL.	
	Examiner LUU MATTHEW	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seegers et al (6,439,722) in view of Evanicky et al (US 2004/0036708) (hereinafter Evanicky) and Liang (5,579,031).

Regarding claim 3, Seegers et al disclose (Figs. 1, 3, and 4) a method for generating a color monitor profile for different operating systems (column 2, lines 5-10, the server-based system and the customer's system) comprising the steps of:

forming a multimedia film (Fig. 4, films 40-70) for a screen to be measured (Fig. 3, screen 80);

displaying the multimedia film (82) on the screen (80) (column 5, lines 43-54);

measuring the color values using the colorimeter to produce the color profiles of the monitors is also mentioned by Seegers et al (column 1, lines 32-37); and

a computer (Fig. 1, workstation 18) having a color management software (color matching process) so as to build a color monitor profile (Fig. 1, create monitor profile 22) for the computer (column 3, lines 4-14; and column 4, line 61 to column 5, line 5).

The only difference between the disclosure of Seegers et al and the claimed invention is that the claim 3 requires a colorimeter positioned near the display screen for measuring hues, gray levels, and color R, G, B values. Seegers does not explicitly teach the computer operating system is different from the display screen operating system.

However, Evanicky discloses (Fig. 9, 14, and 15) a colorimeter (800a) positioned near the display screen (216) for measuring the gray levels and the color R,G,B values (Fig. 15). The output of the colorimeter (800a) is transferred to the computer (10) for building a color monitor profile. See page 9, section 84 to page 10, section 91. Evanicky also mentions the using of screen-to-film color matching in the color profiling process (page 10, section 91, the last line).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the colorimeter for measuring the gray levels and the color R,G,B values for building a color monitor profile, as taught by Evanicky, into the color monitor profiling system of Seegers et al to provide a precise color calibration or color matching in a color monitor profiling system.

Regarding to the measuring the hues values, as defined in the Webster's New World Dictionary, Third College Edition, the word "colorimeter" means "an instrument for

determining the intensity and hue of a color..." Thus, it would have been obvious that the colorimeter (800a) of Evanicky can measure the gray levels, the color R,G,B, and as well as the hues of the color values.

As to the computer system for executing the color management software is different from that used to the display screen to be measured, Seegers also discloses (Fig. 5) the computer operating system (92) for executing the color management is different from the screen (projection screen 96) to be measured (Column 7, lines 10-42).

Liang (5,579,031), on the other hand, also discloses (Figs. 1 and 2) a computer system for executing the color management (workstation 10 comprises a scanner, an image processor and a display device) (Column 5, lines 4-9) is different from the display screens (12 and 14) to be measured by the colorimeter (36) (Column 5, line 58 to column 6, line 20).

Therefore, it would have been obvious to the person of ordinary skill in the art to use the color management computer system (workstation 10) of Liang into the color monitor profile system of Seegers for producing at least two matched color displays of a digital image using two different display systems.

Furthermore, it is well known in the art that a Color Management System (CMS) is a technology for matching the manners in which the color is visible among the different input/output devices, which comprises different operating systems. By use of

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the CMS, it becomes possible to match the manners in which the color is visible between an image read by a scanner and an image displayed on the display unit or, between an image printed by the printer and the image read by the scanner or the image displayed on the display unit.

Regarding claim 4, Seegers et al discloses (Fig. 3) the screen (80) to be measured is any operating system currently used. Seegers also discloses (Fig. 5) the computer operating system (92) for executing the color management is different from the screen (projection screen 96) to be measured (Column 7, lines 10-42).

Response to Arguments

Applicant's arguments filed March 8, 2006 have been fully considered but they are not persuasive.

Applicant argues in his remark, pages 1-2, by asserting that the Applicant's colorimeter measures hues, gray levels and RGB values.

Applicant should note that the Applicant did not invent the colorimeter itself, but the colorimeter was well known in the art. Applicant claims a method for generating a color monitor profile for different operating system using a colorimeter for measuring hues, gray levels and RGB values.

Seegers et al disclose (Figs. 1, 3, and 4) a method for generating a color monitor profile for different operating systems (column 2, lines 5-10, the server-based system and the customer's system) comprising the steps of:

forming a multimedia film (Fig. 4, films 40-70) for a screen to be measured (Fig. 3, screen 80);

displaying the multimedia film (82) on the screen (80) (column 5, lines 43-54);
measuring the color values using the colorimeter to produce the color profiles of the monitors is also mentioned by Seegers et al (column 1, lines 32-37).

Evanicky (Us 2004/0036708) also discloses (Fig. 9, 14, and 15) a colorimeter (800a) positioned near the display screen (216) for measuring the gray levels and the color R,G,B values (Fig. 15). The output of the colorimeter (800a) is transferred to the computer (10) for building a color monitor profile.

Liang (5,579,031), on the other hand, also discloses (Figs. 1 and 2) a computer system for executing the color management (workstation 10 comprises a scanner, an image processor and a display device) (Column 5, lines 4-9) is different from the display screens (12 and 14) to be measured by the colorimeter (36) (Column 5, line 58 to column 6, line 20).

Seegers, Evanicky and Liang all disclose the colorimeters for measuring the color values. Furthermore, regarding to the measuring the hues values, as defined in the Webster's New World Dictionary, Third College Edition, the word "colorimeter" means "an instrument for determining the intensity and hue of a color..." Thus, it would

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have been obvious that the colorimeter of Seegers, Evanicky and Liang can measure the gray levels, the color R,G,B, and as well as the hues of the color values as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', is positioned above the printed name and title.

MATTHEW LUU
PRIMARY EXAMINER